

2166

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY, BRODSKY, COOK, ENGLEBRIGHT, ORTIZ --
Multi-Sponsored by -- M. of A. BRENNAN, COLTON, DINOWITZ, EDDINGTON,
GLICK, HOYT, MARKEY -- read once and referred to the Committee on
Agriculture

AN ACT to amend the agriculture and markets law, in relation to genet-
ically modified crops

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Article 27 and sections 450, 451, 452, 453, 454 and 455 of
2 the agriculture and markets law, as renumbered by chapter 1047 of the
3 laws of 1965, are renumbered article 29 and sections 600, 601, 602, 603,
4 604 and 605 and a new article 27 is added to read as follows:

5 ARTICLE 27

6 GENETICALLY MODIFIED CROPS

7 SECTION 450. LEGISLATIVE FINDINGS.

8 451. DEFINITIONS.

9 452. PLANTING OF CROPS.

10 453. MARKETING PLAN.

11 S 450. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS THAT GENETICALLY
12 MODIFIED CROPS POSE RISKS OF UNKNOWN DIMENSION TO HUMAN HEALTH AND THE
13 ENVIRONMENT, AND THAT DRAMATIC INCREASES IN THE PLANTING AND CONSUMPTION
14 OF SUCH CROPS OVER THE PAST SEVERAL YEARS HAVE FAR OUTPACED OUR UNDER-
15 STANDING OF THEIR IMMEDIATE AND LONG-TERM EFFECTS. FURTHERMORE, BECAUSE
16 THE EXCHANGE OF GENETIC MATERIAL BETWEEN GENETICALLY MODIFIED CROPS AND
17 CONVENTIONAL CROPS, WILD PLANTS, AND ORGANISMS IS KNOWN TO OCCUR, GENET-
18 ICALLY MODIFIED MATERIAL AND ANY ADVERSE CHARACTERISTICS IT CONFERS OR
19 PROMOTES CAN BE IRREVOCABLY DISPERSED INTO THE WIDER ENVIRONMENT. THE
20 LIST OF POTENTIAL HAZARDS OF CONCERN INCLUDES BUT IS NOT LIMITED TO: THE
21 DEVELOPMENT OF INSECT AND WEED RESISTANCE TO PESTICIDES; INJURY OR DEATH
22 OF NON-TARGET SPECIES; CROP LOSS FROM SEEDS THAT DO NOT YIELD AS

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD05606-01-9

1 EXPECTED OR THAT PRODUCE CROPS WITH UNEXPECTED CHARACTERISTICS; AND
2 ALLERGENICITY, TOXICITY, OR DECREASED NUTRITIONAL VALUE OF GENETICALLY
3 MODIFIED CROPS. THE LEGISLATURE FURTHER FINDS THAT FOODS PRODUCED FROM
4 GENETICALLY MODIFIED CROPS ARE INCREASINGLY BEING REJECTED BY DISTRIBUTORS,
5 PROCESSORS, RETAILERS AND CONSUMERS ALIKE IN BOTH DOMESTIC AND
6 INTERNATIONAL MARKETS. THE GROWTH OF GENETICALLY MODIFIED CROPS IN NEW
7 YORK STATE THUS PLACES ALL STATE FARMERS AT RISK IN THE MARKETPLACE.
8 THOSE WHO INTENTIONALLY PLANT GENETICALLY MODIFIED CROPS AND KNOWINGLY
9 ACCEPT THE MARKETPLACE RISK ALSO PLACE AT RISK THOSE WHO PLANT CONVENTIONAL
10 CROPS, WHICH CAN BE UNINTENTIONALLY CONTAMINATED BY GENETICALLY
11 MODIFIED CROPS. A MORATORIUM ON THE PLANTING AND GROWING OF GENETICALLY
12 MODIFIED CROPS IN NEW YORK STATE WILL ENHANCE THE VALUE AND PROTECT THE
13 REPUTATION OF NEW YORK STATE'S AGRICULTURAL PRODUCTS, CONFERRING A
14 SIGNIFICANT MARKETING ADVANTAGE WHILE PRESERVING THE STATE'S ECOLOGICAL
15 HEALTH. FOR THESE REASONS, THE LEGISLATURE ESTABLISHES A MORATORIUM ON
16 THE PLANTING AND GROWING OF GENETICALLY MODIFIED CROPS IN NEW YORK
17 STATE.

18 S 451. DEFINITIONS. AS USED IN THIS ARTICLE "GENETICALLY MODIFIED
19 CROPS" SHALL MEAN CROPS PRODUCED FROM PLANT VARIETIES CREATED USING
20 TECHNIQUES THAT ALTER THE MOLECULAR OR CELL BIOLOGY OF AN ORGANISM BY
21 MEANS THAT ARE NOT POSSIBLE UNDER NATURAL CONDITIONS OR PROCESSES.
22 GENETIC MODIFICATION SHALL INCLUDE RECOMBINANT DNA, CELL FUSION, MICRO-
23 AND MACRO-ENCAPSULATION, GENE DELETION AND DOUBLING, INTRODUCTION OF A
24 FOREIGN GENE, AND GENE REPOSITIONING. IT SHALL NOT INCLUDE CROP BREEDING,
25 CONJUGATION, FERMENTATION, HYBRIDIZATION, AND TISSUE CULTURE.

26 S 452. PLANTING OF CROPS. NO GENETICALLY MODIFIED CROPS MAY BE PLANTED
27 OR GROWN IN THE STATE FOR A PERIOD OF FIVE YEARS AFTER THE EFFECTIVE
28 DATE OF THIS ARTICLE. THIS SECTION SHALL NOT APPLY TO PLANTING AND GROWING
29 GENETICALLY MODIFIED CROPS SOLELY FOR THE PURPOSE OF CONDUCTING
30 RESEARCH AND NOT FOR SALE, USE OR CONSUMPTION BY THE PUBLIC. GROWING AND
31 PLANTING OF GENETICALLY MODIFIED CROPS FOR RESEARCH PURPOSES SHALL BE IN
32 AN ENCLOSED FACILITY OR ON AN OUTDOOR PLOT OF LAND NOT MORE THAN FIVE
33 ACRES AT LEAST SIX HUNDRED SIXTY FEET FROM ANY OTHER PLOT USED FOR THE
34 PLANTING AND GROWING OF CROPS. NO ONE LOCATION SHALL EXCEED A COMBINED
35 TOTAL OF TEN ACRES OF LAND FOR PLANTING AND GROWING OF GENETICALLY MODIFIED
36 CROPS.

37 S 453. MARKETING PLAN. THE DEPARTMENT SHALL PREPARE A MARKETING PLAN
38 THAT USES THE MORATORIUM AS A PROMOTIONAL TOOL FOR NEW YORK STATE AGRICULTURAL
39 PRODUCTS.

40 S 2. This act shall take effect on the first of January next succeeding
41 the date on which it shall have become a law.